

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN R. CUTTS,

Plaintiff,

v.

BERKELEY POLICE DEPARTMENT, et al.,

Defendants.

No. 4:24-cv-01102-AGF

MEMORANDUM AND ORDER

In light of Plaintiff's amended complaint (ECF No. 13), filed under Rule 15(a)(1)(B), Defendants' motion to dismiss (ECF. No. 6) will be denied as moot. *See e.g., Pure County, Inc., v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002); *Jeude v. Ste. Genevieve Memorial Hospital*, No. 1:22-cv-00151-SNLJ, 2023 WL 1765196, at *1 (E.D. Mo. Feb. 23, 2023).

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to dismiss is **DENIED as MOOT**. ECF No. 6. Defendant shall have until **October 1, 2024**, to respond to the amended complaint.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 18th day of September, 2024.